

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

MARILYN HARRISON,)	
)	
Plaintiff,)	
)	
vs.)	Case Number CIV-10-1124-C
)	
M-D BUILDING PRODUCTS, INC.,)	
)	
Defendant.)	

MEMORANDUM OPINION

Plaintiff filed this action following her termination from employment with Defendant. Plaintiff alleges her termination was in violation of various federal laws which prevent discrimination. Defendant has now filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6), alleging Plaintiff's Complaint fails to adequately plead a claim for relief.

The Supreme Court's recent rulings in Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007), and Ashcroft v. Iqbal, ___ U.S. ___, 129 S.Ct. 1937, 150 (2009), have undoubtedly altered the landscape of pleading. However, the extent of this change has led to a rash of challenges by defendants who now routinely argue a plaintiff has failed to plead sufficient facts. Most of these motions lack merit and reflect either a fundamental misunderstanding of the applicable law or a desire to simply generate additional paperwork for the parties and the Court. The present motion is clearly within this category. Defendant's challenge focuses solely on the factual allegations of Plaintiff's Complaint arguing she failed to allege that the pleaded misconduct was due to her race, gender, or age. However, when Plaintiff's Complaint is read as a whole, as it must be, it is clear that she ties each of the acts of

misconduct to her discrimination claims. While Plaintiff could have done so more clearly, the Complaint clearly puts Defendant on notice of the nature of the claims brought by Plaintiff. Nothing more is required. See Fed. R. Civ. P. 8.

For the reasons set forth herein, Defendant's Motion to Dismiss (Dkt. No. 7) is DENIED.

IT IS SO ORDERED this 4th day of January, 2011.



ROBIN J. CAUTHRON
United States District Judge